IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2997 OF 2002

IN

SUIT NO.1240 OF 1989

Domnic Francis Pereira ... Plaintiff

v/s

Joseph Paul Pereira and ors. ... Defendants

Mr Bhandary i/b M/s Bhandary and Bhandary for Plaintiff.

Mr A. Thakkar i/b M/s Thakkar and Co. for Defendant No.4 in support.

Ms Shaikh i/b M/s S.K. Srivastava and Co. for Defendant No.3.

Ms Chandurkar i/b M/s Purnanand and Co. for Defenmdant No.7.

CORAM : D.K.DESHMUKH J.

DATE : 13TH AUGUST 2004

P.C.: -

1. By consent of parties, notice of motion is disposed off in following terms :-

1) The learned counsel appearing for defendant No.7 states that the defendant No.7 shall continue to abide by the statement made by the defendant No.7, which is recorded in the order dated 28th October 2002 until further orders of this Court. Statement is accepted.

2) The parties are agreed that the Architects of both the sides shall meet and decide about the utilisation of F.S.I. by the two parties. After the meeting between the Architects is over, the parties shall be at liberty to apply to the Court for modification of this order.

3) Within two weeks from today, the defendant No.7 shall communicate to the

defendant No.4 and the plaintiff about any requirement in relation to construction of five garages. Thereafter, the defendant No.7 shall submit building plans within four weeks from the date o intimation and shall endeavour to get sanctioned the said plants at the earliest. Thereafter, the defendant No.7 shall take steps to complete the construction of the garages. Parties shall be at liberty to apply for any further reliefs in this regard.

. Notice of motion is disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Personal Secretary as true copy.

. Certified copy expedited.